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COUNTY
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FUTURE

Planning and Development Department
Long Range Planning Division

ZONING ORDINANCE AMENDMENTS OPTIONS

Board of Supervisors Hearing
September 14, 2021

Purpose / Background



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- Board direction on zoning ordinance amendments for FY 21-22
 - Planner III position – budget expansion
- Zoning ordinance amendments packages
 - Amendments that are low to moderate in complexity and potential controversy
 - CEQA exempt or Negative Declaration

Scope of Work



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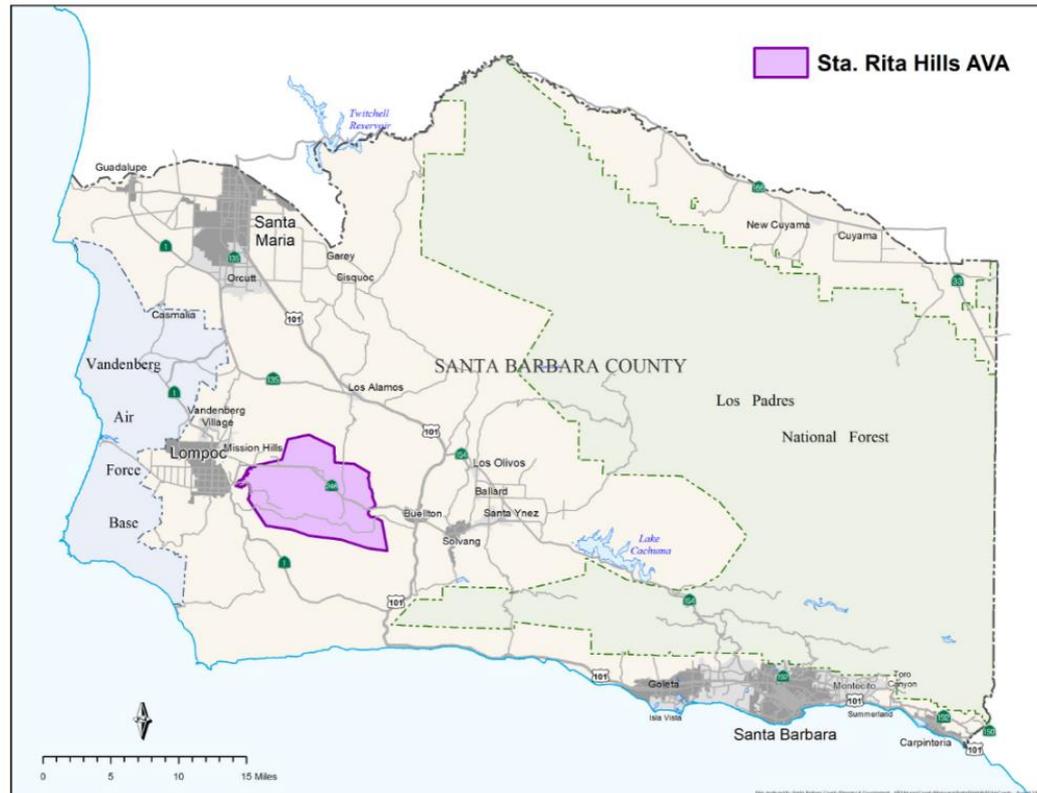
- Staff Capacity: ≤ 0.8 FTE available FY 21-22
- Numerous moderately complex and low complexity ordinance amendment requests
- Select moderately complex amendments
- For those not selected, identify priorities for future fiscal years
- Low complexity amendments will be included

Ordinance Amendment Options



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- Cannabis Ordinance - Santa Rita Hills Agricultural Viticultural Area (AVA)



Ordinance Amendment Options



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- Cannabis Ordinance - Santa Rita Hills AVA
 - New Zoning Overlay
 - ❖ Conditional Use Permit (CUP) for cultivation
 - > 20 acres, > 30 acres, or regardless of size
 - ❖ Limit cultivation area (per lot) to 20 acres + 10%, 5%, or 2.5% of lot size
 - ≈ 0.6 Full Time Equivalents (FTEs) of staff time

Ordinance Amendment Options



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□ Current Cannabis Cultivation (acres)

Application Status	Countywide	Santa Rita Hills AVA
Land Use Entitlements (09.08.21)		
Proposed	3,140.58	247.61
Approved	1,395.59	216.85
Issued	505.80	0
Business Licenses (08.30.21)		
Eligible Applicants*	985.38	144.25
Pending	314.81	158.34
Cap	1,575	--

*Eligible Applicant = Approved Land Use Entitlement + “Complete” Business License Application + Payment of Application Fee

Ordinance Amendment Options



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- Cannabis Ordinance – Notice of Harvests
 - Provide notice of cannabis harvests to residents and/or owners of property
 - Current Odor Abatement Plan notification distance = 1,000'
 - 0.1 FTE of staff time

Ordinance Amendment Options



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- Provisions & Incentives for Childcare Facilities
 - Revise/relax permitting requirements and development standards to facilitate the development of childcare facilities
 - Senate Bill 234, Chapter 244, Statutes of 2019; Health and Safety Code § 1596.72 et al
 - \approx 0.2 FTEs of staff time

Ordinance Amendment Options



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□ Oil & Gas Regulations

- Environmental Defense Center's letter to the Board, dated March 5, 2021 (Board letter, Attachment 1)
 - ❖ Amend the Change of Owner or Operator Ordinance under Chapter 25B of the County Code to apply to onshore oil and gas development
 - ❖ Mandate that onshore oil-and-gas operators retain liability upon a transfer of assets

Ordinance Amendment Options



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□ Oil & Gas Regulations

- ❖ Amend the Land Use and Development Code (Chapter 35.53) to require a termination date in Oil Drilling and Production Plans
- ❖ Revise the definition for “high risk operation” (Petroleum Code, § 25-4)
- ≈ 0.5 FTEs of staff time

Ordinance Amendment Options



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- Wireless Communication Facilities
 - Provide clarity regarding:
 - ❖ Recent FCC rule regarding small wireless facilities
 - BARs to develop aesthetic standards
 - ❖ A new State law requiring emergency standby generators for macro cell towers
 - ≈ 0.4 FTEs of staff time

Ordinance Amendment Options



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- Summary of Moderately Complex Ordinance Amendment Options; ≤ 0.8 FTE available

Amendments	FTEs
Cannabis:	
Santa Rita Hills	0.6
Harvest Noticing	0.1
Childcare Facilities	0.2
Oil and Gas	0.5
Wireless Communication Facilities	0.4

Recommended Actions



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- Receive a report on zoning ordinance amendment requests that staff has received, to date, for the Long Range Planning Division FY 2021-2024 Work Program;
- Prioritize, and provide any other direction to staff regarding, zoning ordinance amendments to be processed in the Long Range Planning Division FY 2021-2024 Work Program; and
- Determine that the Board's action is not a "project" that is subject to environmental review pursuant to the State California Environmental Quality Act (CEQA) Guidelines § 15378(b)(5).

Back-Up Slide



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Amendments	FTEs*	D1	D2	D3	D4	D5
Cannabis:						
Santa Rita Hills	0.6					
Harvest Noticing	0.1					
Childcare Facilities	0.2					
Oil and Gas	0.5					
Wireless Communication Facilities	0.4					

*Approximately ≤ 8 FTEs (total) available